

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

CARL WAYNE WATTS, #77138

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:15-cv-99- KS-MTP

DR. JAMES BURKE

DEFENDANT

ORDER

THIS CAUSE IS BEFORE THE COURT on Motion to Dismiss for Failure to Exhaust Administrative Remedies [24] filed by Defendant, Dr. James Burke and on Report and Recommendation [34] filed by Judge Michael T. Parker. The Court has considered the Motion and the Report and Recommendation and finds that the Motion to Dismiss [24] is well taken and should be Granted. The Court further finds that pending Motions [27] and [33] should be Denied as Moot and that this action should be Dismissed without prejudice. These are the recommendations made by Judge Parker in the Report and Recommendation which is hereby adopted by this Court as the finding of the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss [24] is hereby GRANTED and that Motions [27] and [33] are DENIED AS MOOT. Further, this action is DISMISSED without Prejudice.

SO ORDERED this the 8<sup>th</sup> day of March, 2017,

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE